

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CORPORAL TIMOTHY SHOCKLEY,**

**Plaintiff,**

**V.**

**GOVERNOR RUTH ANN MINNER,  
individually; and COLONEL THOMAS F.  
MACLEISH in his official capacity as the  
Superintendent, Delaware State Police; and  
DIVISION OF STATE POLICE,  
DEPARTMENT OF SAFETY AND  
HOMELAND SECURITY, STATE OF  
DELAWARE,**

## Defendants.

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**C.A.No. 06-478-JJF**

## Jury Trial Demanded

## **RULE 16 SCHEDULING ORDER**

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by \_\_\_\_\_ the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.1.

## Plaintiff's Statement

Within 5 days of this order.

## Defendants' Statement

By the 30th day following the resolution of the Defendants' pending motion.

2. **Joinder of other Parties.** All motions to join other parties shall be filed on or

before the \_\_\_\_\_.

**Plaintiff's Statement**

On or before 60 days from the date of this order.

**Defendants' Statement**

60th day following the date of the resolution of Defendants' pending motions.

3. **Settlement Conference.** Pursuant to 28 U.S.C. §636, this matter is referred to Magistrate Judge Thynge for the purposes of exploring the possibility of a settlement. If the parties agree that they would benefit from a settlement conference, the parties shall contact the Magistrate Judge to schedule a settlement conference so as to be completed no later than the Pretrial Conference or a date ordered by the Court.

4. **Discovery.**

(a) Exchange and completion of interrogatories, identification of all fact witnesses and document production shall be commenced so as to be completed by \_\_\_\_\_.

**Plaintiff's Statement**

within 6 months of the date of this order.

**Defendants' Statement**

last day of the sixth month following the resolution of Defendants' pending motion

(b) Maximum of 35 interrogatories by each party to any other party.

(c) Maximum of 20 requests for admission by each party to any other

party.

(d) Maximum of \_\_\_\_ depositions by plaintiff(s) and by defendant(s).

Depositions shall not commence until the discovery required by Paragraph 4 (a, b and c) are completed.

**Plaintiff's Statement**

15 depositions by plaintiff and 15 deposition by defendants.

Depositions shall not commence until October 1, 2008 and plaintiff's shall immediately file his interrogatories and requests for production of documents and admissions.

**Defendant's Statement**

10 depositions by plaintiff and 10 depositions by defendants.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the party with the burden of proof on the issue the expert is offered by \_\_\_\_\_.

**Plaintiff's Statement:**

four months from the date of this order.

**Defendants' Statement**

by the last day of the fourth month following the resolution of Defendants' pending motion and from the Defendants by the 30th day thereafter.

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties.

**5. Plaintiff's Statement**

**Plaintiff sees no section in Judge Farnan's template for Discovery Disputes, so none is requested.**

**Defendant's Statement**

**Defendants have a section on Discovery Disputes which states:**

- (a) a party seeking discovery which the opposing party refuses to provide shall file a motion (no brief) pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.1. Said motion shall not exceed a total of four (4) pages. An Answer to the Rule 37 Motion, not to exceed four (4) pages, shall be filed within five (5) days of service of the motion. No reply is permitted.
- (b) All papers shall set forth in a plain and concise manner the issue(s) in dispute, the party's position on the issue(s), and the reasons for the party's position.
- (c) Upon receipt of the Answer, the movant shall notify Chambers by e-mail at [jjf\\_civil@ded.uscourts.gov](mailto:jjf_civil@ded.uscourts.gov) that the parties have completed briefing.

**5. Non-Case Dispositive Motions.**

- (a) Any non-case dispositive motion, along with an Opening Brief, shall be

filed with a Notice of Motion. The Notice of Motion shall indicate the date on which the movant seeks to have the motion heard. The hearing date selected shall allow time for filing of the motion, allow for briefing in accordance with the Federal and Local Rules, and shall permit all briefing to be filed no later than 12:00 noon the Friday before the motion day on which it is to be heard. Available motion dates will be posted on the Court's website at:

<http://www.ded.uscourts.gov/JJFmain.htm>.

- (b) At the motion hearing, each side will be allocated ten (10) minutes to

argue and respond to questions from the Court.

(c) Upon filing of the Notice of Motion, a copy of said Notice shall be sent to Chambers by-email at: jjf\_civil@ded.uscourts.gov

6. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before \_\_\_\_\_ .

**Plaintiff's Statement**

60 days from the date of this order.

**Defendants' Statement**

last day of the second month following the date of the resolution of Defendants' pending motion.

7. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before \_\_\_\_\_, 20\_\_\_\_. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court. The parties shall follow the Court's procedures for summary judgment motions which is available on the Court's website at: <http://www.ded.uscourts.gov/JJFmain.htm>

**Plaintiff's Statement**

March 31, 2009

**Defendant's Statement**

the last day of the seventh month following the resolution of Defendants' pending Motion. An answering brief, if any shall be filed no later than thirty-three days thereafter and a reply brief, if any, shall be filed no later than eighteen days after that.

8. **Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective June 30, 2007). Any nondispositive motion shall contain the statement required by D.Del. LR 7.1.1 and be made in accordance with the Court's February 1, 2008 Order on Procedures for filing non-dispositive motions in non-patent cases (pro se cases excluded). Briefs shall be limited to no more than ten (10) pages. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf\_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

9. **Pretrial Conference and Trial.** After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference. The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

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Date

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United States District Judge